

**ZIEGLER CHEMICAL & MINERAL CORP.**

STAR ROUTE, LITTLE BONANZA, UTAH 84078

TEL. 1-435-789-3593 • www.zieglerchemical.com**TELEFAX COVER PAGE****TO:** Mr. D. Wayne Hedberg,
Permit Supervisor**FAX #:** (801) 359-3940**FROM:** Stan Wagner**DATE:** August 18, 2003**IF COPY IS POOR CALL 1-435-789-3593 OR 1-516-876-0550 FOR ASSISTANCE**

THERE WILL BE 3 PAGE(S), INCLUDING THIS PAGE

MESSAGE:

Wayne,

I have enclosed the letter sent to Chip Ziegler concerning the Federal EPA jurisdiction over Ziegler Chemical & Mineral Corp. with regards to water and air quality.

Sincerely,

Stan Wagner

RECEIVED
AUG 18 2003
DIV. OF OIL, GAS & MINING

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY****REGION 8****999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
<http://www.epa.gov/region08>**

October 2, 2000

Ref: 8P-W-P

Chip Ziegler, V.P.
Ziegler Chemical and Mineral Corp
100 Jericho Quadrangle
363 East Main
Jericho NY 11753

Re: Renewal of NPDES Permits on the
Uintah and Ouray Indian Reservation;
NPDES Permit Number UT-0023868

Dear Mr. Ziegler:

The U.S. Environmental Protection Agency (EPA), Region 8, is evaluating the status of permitting activities and overall compliance with federal environmental laws by facilities located on the Uintah and Ouray Indian Reservation. The statutes that mandate regulatory activities (e.g., permitting, compliance inspections) affecting facilities on the Uintah and Ouray Indian Reservation include the Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Resource Conservation and Recovery Act (RCRA), and the Clean Air Act (CAA). EPA is reviewing the current status of compliance with these laws and assessing the location of the facilities to ensure the appropriate governmental entity is regulating each facility, pursuant to the *Ute Indian Tribe v. State of Utah* 114 F.3d 1513 (10th Cir. 1997) decision.

The NPDES Permit program is a key component of the Clean Water Act, a statute that Congress created to protect water quality. EPA is responsible for issuing NPDES permits in Indian country where the tribe has not applied for and received program authorization.

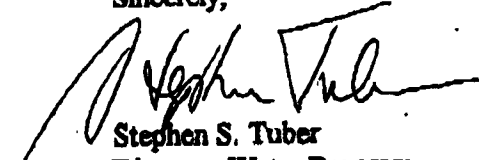
Recently, EPA Region 8 received a map and corresponding electronic data from the U.S. Bureau of Indian Affairs (BIA), Uintah and Ouray Agency. The map depicts the land ownership status within the Reservation boundaries as a result of the 1997 federal court decision. Based on this information, EPA has determined that the Ziegler Chemical Company is within Indian country as defined by 18 U.S.C. 1151. Any wastewater discharges from Ziegler Chemical Company facility must be covered by a Federally issued NPDES Permit. To begin the permit issuance process, please submit the enclosed NPDES application for Ziegler Chemical Company. Once EPA has received the completed application, EPA will initiate its permitting process and issue an NPDES permit for the Ziegler Chemical Company discharge.



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Thank you for your consideration in making this transition as smooth as possible. If you have any further questions regarding the permitting process or completing the enclosed application, please direct them to Michael Reed of the NPDES Permit Team at 303-312-6132.

Sincerely,



Stephen S. Tuber
Director, Water Program
Office of Partnerships and Regulatory Assistance

Enclosures

cc: Brent Bradford, Deputy Director
Utah Department of Environmental Quality

Roland McCook, Chairman
Uintah & Ouray Business Committee

Elaine Willie, Environmental Coordinator
Ute Indian Tribe

Rob Thompson, General Counsel
Ute Indian Tribe